

REMARKS

Claims 1-4, 6, and 11 stand rejected. Claims 1-15 are canceled and claims 16-20 are new. Claim 16 is an independent claim.

Claim 16 recites a method of sealing lengths of reclosable fastener to a continuous elongate substrate by initially attaching the fastener to a substrate only by a flange portion of the fastener and also subsequently by the body portion thereof. This two step process distinguishes claim 16 from the cited references. In the end, both the flange and the body portion of the fastener are attached to the substrate. As recited in claim 16, the body portion is a portion which “comprises first and second profile portions shaped for releasable interengagement with each other.” The flange portion is a portion which “extends laterally from the body portion and has a thickness in a direction perpendicular to the substrate which is less than that of the body portion in said direction.” According to claim 16, the flange portion is initially attached to the substrate and subsequently the body portion which includes the first and second profile portions is attached to the substrate. Malin does not teach this two step process. In particular, the body portion (as defined by claim 16) of Malin is never sealed to the substrate.

In that regard, the fastener of Malin includes a body portion having a male interlocking member 16, and a female interlocking member 18, webs 44 and 22, and a leading flange 24. It should be noted, however, that in accordance with the language of the claims, Malin’s webs 44 and 24 would also be considered flanges since they protrude laterally beyond the width of the body portion and have a width that is equal to the width of the leading flange 24. As shown in FIG. 2 of Malin, the heat-seal material 30 extends over only the flanges 44, 22, and 24 and does not extend over either of the interlocking members. This is crucial because it means that, when the zipper profiles are secured to the substrate material, the members 16 and 18 are not secured to that material on account of their having no heat-seal material 30. Because Malin’s body portion is never sealed to the substrate, Malin does not teach the method claimed in claim 16. Accordingly, applicant submits that

DOCKET NO.: THOM-0022
Application No.: 10/088,042
Office Action Dated: January 8, 2009

PATENT

claim 16 (and claims 17-20 which ultimately depend therefrom) are in condition for allowance.

Because claims 16-20 are patentable over the cited art, applicant requests a notice of allowance for each of claims 16-20. If the examiner determines that a teleconference would further the prosecution of this case, he is invited to contact the undersigned at his convenience.

Date: 2009-06-05

/Jake W. Soumis/

Jake W. Soumis

Registration No. 61823

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439